

What Now for Conservatives?
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- The post-mortems on the election are coming from all quarters, allow me to add my 2 cents from the perspective of having successfully won the right to represent the constituents of the 3rd District of California for a second term. Actually, it's not really my second term having previously served in the House for a decade from 1978 to 1988. In that regard, my service during the years of the Reagan Presidency may also be of some relevance. For this was a time when conservatism was associated with ideas. Membership in the House of Representatives was seen as a means to an end rather than as an end in itself.
- In much of the post-election commentary there is an unstated premise that the results of last Tuesday somehow represent a crisis within conservatism. Some are heralding the end of the Reagan era. Let me from the outset express my skepticism over the argument that the election was somehow a referendum on conservative policies. If anything, I think that the more persuasive argument is that we would have done better had we been more faithful to our principles over the last few years. Note I said "more faithful to our conservative principles"—not "more conservative." We must reject those who seek to define us as seeking "extremes." We are--as was Ronald Reagan--simply conservative without adjectival adornment. We must be particularly dubious of the "friendly advice" of those talking heads who would who hope for a conservative realignment that resembles something on the order of a circular firing squad.
- Don't get me wrong, I am neither Pollyannaish nor averse to introspection. It is important for us to take a look at ourselves and to assess the current state of conservatism and a proper direction for our future. It is for that I reason I appreciate very much the opportunity to be a part of the discussions taking place here at the Heritage Foundation. There are few if any organizations which have played a greater role in translating our principles into a framework of conservative governance. I would be remiss were I not to share my recent experience working on the ethics reform package. As written, the bill would have had the effect of banning Congressional participation in educational events like those sponsored by the Heritage Foundation, AIPAC, or any college or university where private travel was involved. In offering an amendment to alter this language, I will tell you that even liberal democratic members of Congress shared with me that despite their disagreement with much of what was said, they felt the Heritage orientation for Freshman Members of Congress was excellent. It is but one example of the valuable work being done by Heritage here in our nation's Capitol. Again, as one who

believes that ideas have consequences I appreciate the opportunity to join with you this morning.

A Return to Our Conservative Principles

- Let me say that there appears to be a sense in which the public at large, as well as many in our own conservative base, perceived that Republicans have “lost our way.” Although there are a number of observations which could be made, let me add a practical one that I believe to be symptomatic of what is perhaps a larger attitudinal problem. As Peter Drucker conveyed in his voluminous writings on business management, different operational structures will produce different kinds of results. And in this regard, one of the things which struck me upon returning to Congress was that on an operational level the institution of a three day work week and the significant delegation of responsibility to Congressional staff had a profound impact on the House.
- While some might argue that such changes in the modus operandi of the House pale in comparison with the larger question concerning our identity as a Party, there may be a point of convergence between these two considerations. I personally don’t think that my constituents elected me to delegate the major part of my intellectual involvement with the issues facing our nation to staff. I also don’t think you can do adequate oversight Tuesday thru Thursday. It is difficult for me to try to understand, much less explain to my constituents how a three day work week which begins late on a Tuesday afternoon and ended with a rush out of Washington as soon as possible on Thursday could really be defined as real work. Although I agree that it is important for us to spend time working in our districts as most members did during the rest of the week, this fed into the Democrat’s “do nothing Congress mantra.” Although we did complete our work on the appropriations bills, there is surely more that a Party of ideas could have accomplished if the schedule had been more accommodating to a Republican agenda. The notion of a “commuter Congress” is not conducive to “Big Ideas.”
- As the Minority, one of the institutional changes that we must make in our reorganization is to open up the House Republican Conference in a way which will contribute to the development and exchange of ideas. We must abandon the model of a top down driven agenda which allows for little serious discussion among the Republican Members. While we must have elected leadership in our Conference, it does not follow that all others are relegated to the status of mere followers. The rules of the Republican Conference should be changed to encourage more discussion and the type of exchange which will draw on the input and experience of the full Membership. The electorate perceives that our agenda has become stale. This is in part due to a method of operation which has not placed a premium on policy innovation. As

conservatives, we should welcome a more decentralized process which is friendlier to greater input by all members. No single member or clique should have a monopoly on the development of our issues or their articulation.

Our Ideas are Superior Because they are True

- Ironically, we are hearing from some political consultants that the election is a message from the public that we should abandon particular conservative constituencies or chart a new course that better conforms to a new emerging political realignment. In my estimation running away from what you believe would be perceived as cheap political opportunism, and more importantly a denigration of those beliefs.
- I would offer quite different advice to my party. We must once again be driven by ideas. Our policies must come from our principles. It is the political class and not the public which has abandoned the contract which brought us to power in 1994. Even our supporters perceive that a love of ideas has been abandoned for the quest for perpetual incumbency. They see a party of conservative governance has been become a party of big government. And it has failed!
- I am a conservative because I believe on a philosophical level that our worldview happens to be true. I would like to add that I believe this to be the case regardless of whether my Party happens to be in or out of power. In fact, if we hold to precepts which correspond to the world around us, it would seem to be even more important to govern by conservative principles.
- This is not meant to be merely a statement of abstract philosophy. I share Edmund Burke's impatience with such musing. One's political philosophy must be connected to the brute facts of the world. It was for that reason he insisted that those engaged in political philosophy should also periodically be involved in the real world of politics. Burke's conservatism was in this sense pragmatic. And in similar fashion I believe conservative principles remain in concert with the state of the world that we find in these early years of this new century.
- Our Minority status will require us to return to a playbook which is once again driven by ideas. We have been here before and we must not forget the path which once led us to leadership. We understood then and must once again affirm that our policies must be driven by our principles.

- In this regard, the threat posed to the world by Radical Islam illustrates my point. The post-modern relativism of the Left posits that we dare not argue that a culture which produced the Declaration of Independence and the Bill of Rights has any claim to moral superiority over those found in other parts of the world. The patent absurdity of this charge of cultural imperialism was exposed for its emptiness with the rise of the Taliban. And after 9-11 it was no longer possible, except perhaps in the academy, for us to pretend any longer. When women were herded into abandoned soccer stadiums and shot and 2000 year old religious treasures of Buddhism destroyed, we were confronted with the stark reality of evil. In a similar vain, we are presented with an interpretation of the tragic murder of innocent civilians in Iraq which places the blame on coalition troops who daily risk their lives for their protection. This absurd inversion of reality cannot come to grips with the brutal truth of the homicidal reality which confronts us. It is in my estimation significant that the President was criticized for his use of moral categories in explaining the new challenge before us. Scholars on the left such as Robert Wright were openly disdainful of the new dualism which had been introduced to our political discourse.
- I raise this only to illustrate that the Left simply lacks sufficient philosophical foundation to confront this major challenge before us. The conceptual basis for policy matters. It doesn't matter that Nancy Pelosi might consciously reject such horrors. Her underlying world view affects her view of policy. And it is a world view which happens to be incapable of providing a basis for the kinds of decisions which must be made in a world with both jihad and nuclear materials.
- It makes a difference whether what is believed relates to the world as it is rather than the way we might wish it to be. There has always been a certain skepticism about human nature in conservatism that equips it well to respond to the international challenges now facing our survival. This is a clear contrast with our friends on the left who suffer from the blindness of wishful thinking. When you begin with the premise that what troubles the world is in large part the product of our own doing, the next logical step is untenable. The unstated premise is that if only we were "nicer" the world would be a better place. This is not a foundation for policy.

The Practical Problems Facing the Democrats

- Thus, if the Democrats in Congress, driven by their ideological presuppositions seek to dismantle the PATRIOT Act, and to provide the detainees at GITMO with Miranda like protections, it is my view that they will not only be out of step with the realities of the world but with the common sense intuition of the American people as well. Tragically, al Qaeda will continue its campaign of nihilistic violence across the globe and it is in this context that the debate will take place. It will be our responsibility to

paint a clear picture of the discontinuity between their actions and the world in which we all live.

- A possible objection might be raised at this point in my comments that “the national security political strategy” was tried during the elections and found to be wanting. To this I would offer a couple of observations. First, it is a very different thing to argue to the public that we should be rewarded for what they expect us to do than it is to have a debate over the dismantling of programs generally credited with providing the public the protection which has helped to deter another cataclysmic attack on our nation. More importantly, all of our own philosophical inclinations which connect the protection of the public as our primary constitutional obligation comport with the wisdom that good public policy will also be good politics.
- Secondly, in the context of an election where everything was conflated into the war in Iraq, the reality of the Democrat’s agenda was given little attention. Consequently, their mandate is as thin as their election agenda. I would add that the first test of Speaker Pelosi will arise concerning the Chairmanship of the Intelligence Committee. The fact that consideration is being given to entrusting the nation’s most sensitive secrets to an individual who is one of only six persons impeached, convicted and removed from the federal judiciary is nothing short of mind boggling!
- It must be acknowledged that the War in Iraq was the single theme found in the playbook of democrat candidates around the country. I can tell you that this was clearly the case with respect to my opponent’s attacks on me. It’s not all that difficult to say that you are unhappy with the progress we have made in Iraq. Even the President has acknowledged as much. Yelling from the bleachers is a very different skill than blocking and tackling on the field itself. I think that it is going to be far more difficult for democrat members of congress to translate their largely undefined political rhetoric into a policy where withdrawal doesn’t translate into retreat. This is another one of those examples where the prescriptions of the left simply do not comport with the demands of the real world. While much has been made about the difficulties Iraq poses for Republicans, it is not without danger for the democrats as well. The defeat of a moveOn.org democrat by Senator Lieberman is evidence of a more complex political dynamic. As we enter the Presidential Primary season it will be interesting to watch the Left’s attempt to exact punishment on those Democrat contenders for the White House as they are subjected to the litmus test of Iraq. Former Senator Gary Hart’s new book, *A Manifesto for Democrats* has some interesting insight into the dilemmas posed for Democrats on this issue.

- At the same time, I do think that our experience in Iraq is likely to have an impact on the terms of the debate over a conservative vision of United States foreign policy. In this regard the recent issue of Vanity Fair's attempted pre-election exploitation of alleged defections of Neo-Cons from the President's camp was a crass attempt to expose supposed fissures among conservatives. The divide between Neo-Cons and Realists is not necessarily an "either or" proposition. It is likely to produce a "both and" resolution. The traditional Burkean vision of the world has always involved an understanding of the importance of culture in worldview formation. At the same time, one of the compelling aspects of the Reagan foreign policy was the force of its moral critique of the bankruptcy of the Soviet system. Given these two different conceptions of the role to be played by America in the world it should not prove to be an insurmountable task to find a *modus vivendi*. We should strive to formulate a policy framework which places an emphasis on advancing our critical interests around the globe, while at the same time recognizing that those interests are best served by a policy which is informed by our values as a nation. Again, I think that as conservatives we are in the best position to respond to the world as it is rather than as we might wish it to be. The current threat by Islamo-fascism to our interests is a result of their hatred of our values. And if we are going to get one thing right, it is this understanding which is critical to our survival.

Ethics and Federal Spending

- The public perception of an absence of principled governance extends to domestic policy. The difficulty presented by an assessment of this judgment is complicated by the combination of clear ethical failure, and a lack of disciplined leadership which extends far beyond fiscal profligacy. The dark shadow of "big government conservatism" hangs over the Capitol. Bridges to nowhere and earmarks slipped into conference reports in the dead of night are not the traits one would associate with conservative governance. Fredrick Hayek aptly observed that undisclosed government actions beyond those capable of generating a public consensus were most likely to lead to a corruption of the process itself.
- The issue of federal spending is increasingly seen as an ethical issue not only with respect to its impact on current and future taxpayers but also in terms of its role as a means to insure perpetual incumbency. Again, where there is a vacuum of ideas and incumbency becomes an end in itself, government becomes a product of appetite which overcomes all semblance of discipline.
- Even when you look at nominal discretionary non-defense spending since fiscal year 2000 outlays have grown by of \$184.7 billion. In real inflation adjusted terms this is a 29 percent increase in discretionary spending. While I can make the argument that we arrested this growth in the last two years and this slowed

down the growth in the federal gravy train, most Americans still focus on the impending train wreck! The question before us then is whether this is the way that a conservative party should govern. The notion of “big government” conservatism is an oxymoron to many of us who were there at the revolution. Remember--during the Reagan years discretionary non-defense outlays actually declined in real terms by 16 percent.

- And if you are just thinking about discretionary spending—you ain’t seen nothing yet. According to the Congressional Budget Office, in the not too distant future, federal entitlement spending is projected to grow to 63.9 percent of the entire budget.
- Let me say that in my town-hall meetings with constituents, excessive government spending has come up on numerous occasions. It is an issue which has caused great angst within our conservative base and beyond. I have encouraged the President to use his veto pen on spending bills and hopefully the Democrat’s pent up demand for additional spending will be met with veto after veto.
- As I alluded to earlier, the question of earmarks, with no federal nexus have bred deep mistrust of government which extends beyond their fiscal impact. As you may know, President Reagan vetoed a bill because it contained 121 earmarks and last year Congress approved almost 14,000 earmarks. One aspect of this practice which is particularly odious involves the placement of earmarks in House-Senate Conference Reports where the set aside did not appear in the appropriation language of either chamber. Congressman Flake of Arizona has introduced a number of proposals to address this abuse of the appropriations process. This is an issue which goes to the heart of the question of government accountability. Transparency should be required with respect to all spending for federally funded projects. Earmarks placed in a conference report that never see the light of Congressional scrutiny have a corrosive effect on the appropriations process itself. If a member isn’t willing to defend a project on the House or Senate floor, there is probably a reason it shouldn’t be entertained.
- Perhaps no issue has come to symbolize both human tragedy and federal largess more than the federal response to Hurricane Katrina. In my estimation both the short and longer term response to this devastation along our gulf coast did much to undermine the confidence of the public in our ability to govern. According to analysis done by the Senate Budget Committee, the nation has enacted more than \$122.5 billion in relief to help these victims of the hurricanes. However, in our hearings before the Homeland Security Committee we heard testimony from the General Accountability Office of waste fraud and abuse. This is inexcusable. A number of us in the House sent the White House a letter calling for off-sets in other federal spending equal to the spending required for hurricane relief. The noble motivations of compassionate conservatism are not an excuse to abandon all semblance of fiscal discipline.

- At present the effects of federal spending have been to a certain degree masked by the health of the economy which has generated higher than projected tax receipts. Indeed, the Treasury Department recently announced that a 12 percent rise in federal revenues exceeded previous projections and reduced the estimated 2006 budget deficit to an estimated \$248 billion. According to the Joint Economic Committee the projected deficit will come in at less than 2 percent of GDP. This new estimate is \$88 billion below the \$336 billion baseline level projected by the Congressional Budget Office in March and \$71 billion below the actual 2005 level. While revenues produced by a healthy, growing economy are a positive thing, it is my view that federal spending restraint must be recaptured as a central plank in the conservative agenda.
- For it is the level of spending rather than the level of taxation which reflects the real burden of the growth of government. As the classical economist David Ricardo recognized, the present value of borrowing to finance the deficit is equal to the level of taxation needed to accomplish the same result. Although deficit spending does entail some intergenerational issues, both higher taxation, and borrowing impose a burden on the economy which will undermine the prospect for long term economic growth. As the Reagan tax cuts demonstrated, reducing marginal tax rates is good for the health of the economy. Likewise, the tax reductions enacted between 2001 and 2003 have contributed to economic growth and should be made permanent.

A Government of Enumerated Powers

- At this point it should added that as conservatives, our concept of government must be true to our notion of constitutional governance. The Founders enumerated the powers of the federal government and provided it with the necessary and proper authority to carry out those responsibilities. All remaining authority is retained by the states. Our constitution is a living memorial to a limited federal sovereign. Under Article 1 Section 8 the federal government is responsible for specific given activities and in an era of budget deficits, that is where the emphasis must lie. If the choice is whether to fund local projects or to expand the Border Patrol the latter must take precedence because it is solely a federal responsibility.
- When the federal government is asked to do too much, it not only poses a risk to liberty but also undermines its ability to perform those functions required of it under the constitution. There is perhaps no clearer example of this than the utter failure to meet our responsibility as a sovereign nation to control our borders. While there are different approaches to this problem within our conservative ranks, what is crucial is that our commitment to federalism and enumerated powers should dictate agreement that this is clearly a federal responsibility.

A Party of Values

- Finally, let me take this opportunity to respond to the suggestion that we have arrived at a juncture where the conservative coalition would be better served by abandoning the so-called social issues. While much of this comes from what Laura Ingraham has aptly characterized as the “dinosaur media” this is not exclusively the case. Let’s do a little thought experiment. To borrow from Lennon—John not Vladimir Ilyich —let’s “imagine.” Imagine the year 2004 without a social conservative component in the conservative coalition. I’ll tell you what we’d have. Can you say President John Kerry? Furthermore, it is apparent that a central element of the Democrat’s successful strategy was to recruit candidates like Heath Schuler and Bob Casey who can appeal to socially conservative voters. Why would we possibly cede ground to them where we presently have a distinct advantage?
- Much more importantly however, on a substantive level, the fundamental question underlying these social issues entails the definition of the proper role of the courts in our society. The transformation of the judiciary into a third policymaking branch presents unparalleled challenges to the notion of the Separation of Powers. If unchecked this trend threatens to turn the Congress into little more than a lounge act if for no other reason than the Supreme Court claims to have the right to the last say. The recent practice of some Justices in relying on legal authority outside of the United States further erodes any notion of accountability. It is in conflict with the Supremacy Clause which provides that the Constitution, and the laws of the United States which shall be made in pursuance thereof: and all Treaties made...shall be the Supreme Law of the Land.
- Unfortunately, the four corners of the text have ceased to provide any limit on the jurisprudential waxing of the Court. Consider the following example of juridicial prose:

At the heart of liberty is the right to define one’s own concept of existence, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they found under the compulsion of the state.

- While this is obviously the musing of no small mind, it has no place in an opinion of the United States Supreme Court and should hardly qualify as law. The concept of judicial restraint must be a central tenet in any conservative notion of limited government.

Conclusion

- When all is said and done, I remain an optimist. My hope rests on the conviction that we have better ideas than those on the other side of the aisle. They are better because they are true. We face a left of center Party which is dominated by ideologically oriented groups which are held together only by their common sense of outrage. A kind of political “Star Wars” bar scene if you will. And let me end with the thought that if you become discouraged, remember the lesson of Ronald Reagan. Out of the ashes of defeat in 1976, came Ronald Reagan in 1980. His candidacy was not a slam dunk or sure thing. It was a risk—a big risk. He dreamed dreams and acted on them. He had big ideas and fought for them. He left his country and the world a better place. He had faith and courage...And he won. So must we! Thank you.